

To: Parties, DRM 05-027
From: Office of Consumer Advocate
Date: March 15, 2005
Re: Proposed changes to Puc 305.05

During the first technical session in DRM 05-027, on February 28, 2005, the OCA proposed adding a time period for repayment by customers of unbilled kilowatt-hours pursuant to Puc 305.05 (e). The discussion that followed included the suggestion that the Puc 1200 rules may already provide an avenue for the requested relief, in the form of payment plan arrangements.

Following this, Staff inquired with Consumer Affairs and determined that the Puc 1200 rules apply only to circumstances of financial hardship, where the bill is presumed accurate. As such, these rules would not apply to circumstances of repayment of unbilled kilowatt-hours, on account of an inaccurate meter.

During the March 14, 2005 technical session, Staff relayed its findings to participants and asked the OCA if it would pursue its original proposal of adding a time period for repayment. The OCA asked industry representatives questions about the frequency of such occurrences, the magnitude of repayment obligations, and whether the utilities are amenable to repayment plans, even where customer does not meet the requirements for financial hardship status. Generally, the utilities agreed that such occurrences are infrequent and that they are willing to allow payment plans without circumstances of financial hardship.

Consequently, the OCA proposes the following amendment to Puc 305.05 (e):

In these circumstances, the customer may request a payment plan and the utility shall allow, regardless of the customer's financial circumstances, the requested payment plan or another payment plan that is acceptable to both the utility and the customer. If requested, the payment plan may not exceed the period of time over which the unbilled kilowatt-hours accrued.